

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 39 - SB 45

February 4, 2015

SUMMARY OF BILL: Prohibits the retail sale of products containing dextromethorphan to minors, unless the minor is emancipated from his/her parents. The prohibition will not apply to products obtained with a valid prescription. Any violation is a Class B misdemeanor punishable by fine only with a minimum fine of \$100 for a first offense and \$500 for a second or subsequent offense.

Minors, unless emancipated, are prohibited from purchasing products containing dextromethorphan. Any violation is prosecuted as a delinquent act. The provisions of the bill will preempt any local ordinance regulating the retail sale of products containing dextromethorphan.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The bill creates a new Class B misdemeanor punishable by fine only. The bill will not increase incarceration costs to local government.
- No reliable data exists to reasonably estimate the number of cases that the bill will create. Staff assumes the number of cases will not be significant.
- The Department of Children's Services (DCS) reports that the delinquent act added by the proposed legislation will not increase the likelihood of such children coming into DCS' custody based on the presumption that minors buying dextromethorphan products for abusive purposes likely have a preexisting drug problem.
- The Administrative Office of the Courts, the District Attorneys General Conference, and the District Public Defenders Conference confirm that the bill will likely have minimal impact on their operations, and would not require additional appropriations. The bill may produce a small number of cases in the court system, which could result in additional state and local expenditures for processing and additional state and local revenue from fees, taxes and costs collected. Any increase in expenditures and revenue is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "Jeffrey L. Spalding". The signature is written in a cursive, flowing style.

Jeffrey L. Spalding, Executive Director

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